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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,096

06/08/2006

Kimio Tada

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02/20/2009

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SUITE 700

WASHINGTON, DC 20036

EXAMINER

HUJAZ, OMAR F

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

02/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/582,096

**Applicant(s)**

TADA, KIMIO

**Examiner**

OMAR HIJAZ

**Art Unit**

3633

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 06/08/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a first Office Action Non-Final rejection on the merits.  
Claims 1-2 and 3 as filed are pending and have been considered below.

#### ***Election/Restrictions***

1. Applicant's election of Group I (claims 1-2) in the reply filed on December 12, 2008 is acknowledged.
2. Claim 4 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected invention Group II. Election was made without traverse in the reply filed on December 12, 2008.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Pine or H-Steel Pile as shown in figure 2. In addition, figures 4 and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by

the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities:

As per claim 1, at line 2, there is an unnecessary spacing between the recitations "in" and "a". In addition, at line 4, the recitation "steppingsurface" should be --stepping surface--. In addition, at line 5, the parenthesis around the recitation "partially cylindrical recessed surface" are unnecessary. In addition, at line 6, there is an unnecessary spacing between the recitations "recess," and "and".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Millar (UK Patent No. GB 2,302,343 ) in view of Schmidt (U.S. Patent No. 4,951,434) and further in view of Bott (U.S. Patent No. 6,082,067).

As per claim 1, Millar teaches a pre-cast concrete block for constructing a staircase (precast reinforced concrete step; abstract), comprising a horizontal stepping surface (as illustrated, the step has a horizontal stepping surface; figure 1A below), a

rise surface perpendicular to the stepping surface (as illustrated, the step has a rise surface which is perpendicular to the stepping surface; figure 1A below), and a rear surface (as illustrated, the step has a rear surface; figure 1A below); the rear surface having a recess for reducing the weight of the block (as illustrated, the rear surface is hollowed out; figure 1A below; this will reduce the weight of the step), the recess having round parts, with a specified radius at inner corner parts of the recess (as illustrated, the step has rounded surfaces at the inner corner parts; figure 1A below).

Millar fails to disclose the step is formed in a triangle pillar with a rear surface which connects diagonally the stepping surface and the rise surface at respective edges thereof.

Schmidt discloses a pre-formed stair construction, which is triangular in cross section (figure 1), and with a rear surface which connects diagonally the stepping surface and the rise surface at respective edges thereof (as illustrated, the rear surface connects diagonally at the intersection of both the stepping surface and the rise surface; figure 1).

Therefore from the teaching of Schmidt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stair of Millar to include a triangular shaped stair with a diagonal-shaped rear section as taught by Schmidt in order to be installed on slanted surfaces.

In addition, Millar discloses side surfaces (figure 1A below), but fails to disclose displacement prevention grooves in respective side surfaces of the block.

Bott discloses concrete block structures with recesses 45 and 22 in the side edges of the blocks (figure 2).

Therefore from the teaching of Bott, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stair of Millar to include recesses in the side edges as taught by Bott in order to prevent displacement when stacked to adjacent blocks.

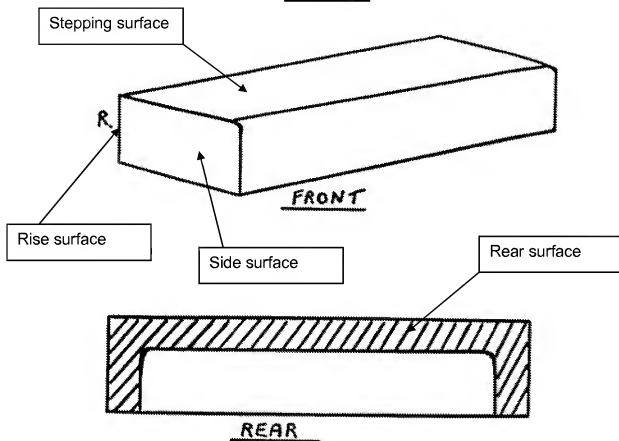
7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Millar (UK Patent No. GB 2,302,343 ) in view of Schmidt (U.S. Patent No. 4,951,434) and in view of Bott (U.S. Patent No. 6,082,067), and further in view of Buffaloe (U.S. Patent No. 1,985,143).

As per claim 2, the Millar, Schmidt, and Bott combination fails to disclose another recess for reducing the weight of the block in the rise surface.

Buffaloe discloses a precast concrete step (title) with a depressed portion 9 on a bottom portion of the stair.

Therefore from the teaching of Buffaloe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stair of the Millar, Schmidt, and Bott combination to include a recess in a surface of the stair as taught by Buffaloe because it provides for a comparatively light construction (page 1, lines 13-17).

**FIGURE 1A**



***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Best (U.S. Patent No. 3,216,160) discloses a precast concrete step with a triangular configuration and a recessed interior.

Cavaness (U.S. Patent No. 6,029,408) discloses a triangular shaped precast step.

Holland (U.S. Patent No. 3,007,283) discloses a precast concrete stair with a hollowed out interior, and recessed rear portion.

Crant et al. discloses a concrete stair and ramp construction with a recessed rear portion and triangular cross section.

Blair (U.S. Patent No. 3,021,928) discloses a stair construction with a triangular cross section and a rear recessed portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



OFH

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633